

Filed for intro on 04/30/2003
HOUSE BILL 2102 By
Baird

SENATE BILL 2025
By Kilby

AN ACT to continue the corporate existence of the City of LaFollette, Tennessee, providing a new charter for such corporation and to repeal Chapter 161 of the Acts of 1897, as amended by Chapter 499 of the Private Acts of 1921; Chapter 859 of the Private Acts of 1921; Chapter 450 of the Private Acts of 1923; Chapter 596 of the Private Acts of 1927; Chapter 249 of the Private Acts of 1931; Chapter 577 of the Private Acts of 1933; Chapter 582 of the Private Acts of 1933; Chapter 882 of the Private Acts of 1937; Chapter 287 of the Private Acts of 1945; Chapter 160 of the Private Acts of 1957; Chapter 236 of the Private Acts of 1957; Chapter 18 of the Private Acts of 1975; Chapter 252 of the Private Acts of 1992; Chapter 138 of the Private Acts of 1994 and Chapter 43 of the Private Acts of 1999; and any other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 161 of the Acts of 1897, as amended by Chapter 499 of the Private Acts of 1921, Chapter 859 of the Private Acts of 1921, Chapter 450 of the Private Acts of 1923, Chapter 596 of the Private Acts of 1927, Chapter 249 of the Private Acts of 1931, Chapter 577 of the Private Acts of 1933, Chapter 582 of the Private Acts of 1933, Chapter 882 of the Private Acts of 1937, Chapter 287 of the Private Acts of 1945, Chapter 160 of the Private

Acts of 1957, Chapter 236 of the Private Acts of 1957, Chapter 18 of the Private Acts of 1975, Chapter 252 of the Private Acts of 1992, Chapter 138 of the Private Acts of 1994, Chapter 43 of the Private Acts of 1999, and any other acts amendatory thereto, are hereby repealed and replaced in their entirety by the following charter:

ARTICLE I

INCORPORATION, NAME & BOUNDARIES

Section 1. Incorporation, Name, and General Powers. The inhabitants of the City of LaFollette, in the county of Campbell, and State of Tennessee, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of LaFollette," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, may have and use a common seal and alter the same at pleasure; and may grant, receive, purchase, and hold real estate, mixed, and personal property, or dispose of the same for the benefit of the city.

Section 2. Governing Body. The governing body of the City of LaFollette as elected by the voters of the city shall consist of a mayor and four (4) councilmen in whom shall be vested all legislative powers outlined in this charter and the statutes of this state. The governing body of the City of LaFollette shall be known as the "City Council".

Section 3. Boundaries. The boundaries and corporate limits of the City of LaFollette shall embrace the territory as it exists on the effective date of this act and as may be extended from time to time as provided by law.

ARTICLE II

GENERAL POWERS

Section 1. Powers. The City Council shall have the management and control of the city finances and all property of the corporation, real, personal, and mixed, and shall have power, by ordinance, within the city:

(1) To levy and collect taxes upon real and personal property, and to license or tax everything that may be authorized to be licensed or taxed by the state.

(2) To appropriate money and provide for the debt and expenses of the city.

(3) To make regulations to secure the general health of the inhabitants, and to prevent nuisances, to prevent the introduction of contagious diseases into the city, and to establish hospitals, health maintenance organizations and nursing homes, and to make regulations for the government of the same.

(4) To establish, open, alter, abolish, widen, extend, grade, pave, or otherwise improve and repair streets, avenues, lanes, alleys, sidewalks, drains, gutters, and sewers, to prevent and remove all obstructions and encroachments thereupon, and to provide for the construction and repair of sidewalks, for the cleaning of the same, and at the expense of the owners of the grounds fronting thereon, and to provide for the planting and protection of shade trees upon the streets, avenues, and parks, or other public grounds, and to regulate the same.

(5) To establish, erect, and keep in, repair, bridges, marinas, levees, viaducts, culverts, and drains.

(6) To provide for the erection of all buildings necessary for the use of the city, and to erect market houses, establish markets, and regulate the same.

(7) To construct and provide for the lighting of streets, public buildings, market houses, and other public places as hereinafter provided.

(8) To contract and provide for the water and sewer services within and beyond the city limits for all public and corporation purposes.

(9) To provide for the prevention or extinguishment of fires, within or without the corporate limits, to organize and establish a fire department, to regulate, restrain, and prohibit the erection of wooden buildings in any part of the city, and to regulate and prevent the carrying on of manufactories dangerous in causing or producing fire.

(10) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety, and comfort of the inhabitants of the city, and to provide for the enforcement of such standards. To provide minimum standards for clean air.

(11) To regulate the police of the city, to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation, and for the arrest and confinement until trial of all disorderly or riotous persons within the city; and to authorize the arrest and detention of all persons found violating any ordinance of the city.

(12) To regulate or prohibit and suppress disorderly or bawdy houses and houses of ill-fame or massage parlors; and to prohibit and suppress the sale or distribution of obscene books, paper, prints, and pictures, dance houses, gaming, gambling houses and gambling-related establishments, lottery or policy shops, and to destroy instruments used in gambling, or other practices which violate community mores.

(13) To prevent and punish, by pecuniary penalties or otherwise, all breaches of the peace, noises or disturbances, or disorderly assemblages in any alley, or street, house, or place in the city, by day or by night.

(14) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(15) To regulate, tax, license, or suppress, the keeping, or going at large of animals, within the city, or in any prescribed or designated part of the city, to provide pounds and impound any animal or animals, and in default of redemption, in pursuance of ordinance, to sell, dispose of, or kill the same.

(16) To make such rules and regulations as it may deem proper for the

establishment, preservation, and ornamentation of any ground for a cemetery or cemeteries, owned by the city or acquired by it for that purpose, and for the sale of burial places or lots for the interment of the dead therein; and to accomplish such purpose, to have jurisdiction over such grounds, whether owned by the city or by private persons, if situated within two (2) miles of the city limits.

(17) To regulate the building of party or partnership walls or division fences.

(18) To regulate the operation of buses, cars, trucks, or other self-propelled vehicles; to regulate the operation and rates of speed of all buses, trucks, and cars.

(19) To license and regulate places and devices of public amusement.

(20) To license and regulate beer and alcoholic beverages as provided by state statute.

(21) To provide for the codification of city ordinances and to have same published at appropriate intervals.

(22) To contract for the loan of any sum or sums of money on such terms as the same can be borrowed; and to pledge the city in its corporate capacity, and the full faith and credit of such corporation, for the payment, principal and interest, of any sum of money so borrowed, in the time and manner specified in the contract; and that, for such purpose, it shall be lawful for the City of LaFollette to issue coupon bonds, in the manner and under the restrictions that may be provided by the City Council, not to exceed in the aggregate a sum which, taken with any debt of the corporation then existing, and not provided for by prior assessment of taxes, shall equal ten percent (10%) of the appraised value of the property subject to taxation by the corporation, as shown by the tax rolls next preceding the issuance of such bonds for any lawful corporate purposes.

(23) To pass all ordinances not contrary to the Constitution and laws of the state, that may be necessary to carry out the full intent and meaning of this act, and to accomplish the objects of this corporation.

(24) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(25) To establish a merit system for city employees and to promulgate rules for the administration of same. Appropriate fringe benefits are hereby authorized and provisions may be made by the City Council.

(26) To grant franchises or make contracts for public utilities and public services, not to exceed a period of forty (40) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the Tennessee Regulatory Authority or other state or federal agency having jurisdiction in such matters.

(27) General Powers: To have all the powers granted to municipal corporations and to cities by the Constitution and general laws of this state, together with all implied powers necessary to carry into execution all the powers granted.

ARTICLE III--ELECTIONS

Section 1. A general city election shall be held on the first Tuesday in November in each odd-numbered year. The election shall be conducted by the Election Commission of Campbell County, Tennessee, in accordance with Tennessee Code Annotated, Title 2. The present term of the Mayor which expires November 30, 1995, shall be extended until a successor is elected in the regular November, 1996, election, and the next four-year term shall begin on the first day of December following the elections.

Section 2. Any person residing within the corporate limits of the City of LaFollette for a period of time sufficient to qualify to vote in state elections and who otherwise qualifies to vote in state elections shall be eligible to vote in city elections provided they are properly registered in accordance with the applicable laws of the state. However, no person shall be eligible for qualification for city council office who holds any other public office under either federal, state, county, or city government. Existing council members may qualify for elected federal, state,

county, or municipal offices provided that such council members resign their seat prior to qualification.

Section 3. The term of mayor and each council member shall begin on the first day of December next following the election at which the mayor and council members were elected.

ARTICLE IV

CITY COUNCIL

Section 1. City Council. The Mayor and four (4) Councilmen elected under this charter and the preceding charter shall compose the City Council, in which is vested all corporate, legislative, and other powers of the city, except as otherwise provided in this charter. It is further the intent of this charter to continue the existing pattern of staggered, four-year terms precisely.

Section 2. Mayoral Election. The Mayor shall be elected directly by the electorate for a term of four (4) years, in accordance with the existing, established pattern. Candidates for the office of Mayor shall qualify and run expressly for that position.

Section 3. Salaries. The salaries of each Councilman shall not exceed the sum of four hundred dollars (\$400) per month. The salary of the Mayor shall be twice that of a city Councilman. The salaries of all other officers and employees shall be fixed by the City Council.

Section 4. Meetings. The City Council shall meet regularly at least once every month at the times and places prescribed by ordinance. The City Council shall meet in special session on written notice of the Mayor or any three (3) Councilmen and served on the other available members of the Council, and by giving adequate public notice of the meetings. Only the business stated in the written call may be transacted at a special meeting. The City Council shall exercise its powers only in public meetings.

Section 5. Quorum. A majority of the City Council shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The Council may, by ordinance, adopt rules and by-laws to govern the conduct of

its business, including procedures and penalties for compelling the attendance of absent members. The Council may subpoena and examine witnesses and order the production of books and papers pertaining to the internal operation of city affairs, and those of all boards and commissions created and appointed by the City Council or Mayor.

Section 6. Mayoral Duties. The Mayor shall preside at meetings of the City Council and shall have a vote only in case of a tie vote of other members of the Council. He shall have power to veto all ordinances and resolutions duly adopted by the Council, provided, however, he must exercise the veto within five (5) days of final adoption by the Council. He shall notify each Councilman, if available, of his action, together with his reasons therefor within the five-day period. The Council shall have thirty (30) days or until the next regular Council meeting, whichever comes first, to override such veto. It shall require an affirmative vote of at least three (3) members of the Council to override the Mayor's veto. He shall be recognized as the ceremonial head of the city. He shall be the officer to accept process against the city, and shall perform other duties imposed by this charter and by ordinances not inconsistent with this charter. The Mayor shall serve ex-officio on all commissions, boards, and committees.

Section 7. Vice-Mayor. The City Council, at the first regular meeting after the newly elected Councilmen have taken office following each biennial election, shall elect from its membership a Vice-Mayor for a term of two (2) years. The Vice-Mayor shall perform the duties of the Mayor during his absence or inability to act. The Vice-Mayor shall fill out any unexpired term in the office of Mayor until the next following biennial election, at which time a Mayor shall be elected for a full four-year term, and the Vice-Mayor shall revert to his regular term as Councilman. The City Council shall select a Councilman to serve until the next regular election.

Section 8. Vacancy in the Office of Mayor or Councilman. The City Council may, by resolution, declare a vacancy in the Office of Mayor or on the City Council if either the Mayor or a Councilman resigns, dies, moves his residence from the city, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, or a crime

involving moral turpitude. However, no member of the City Council can resign his position for the purpose of being appointed to a longer term on the same body.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office with the city for a period of ten (10) years thereafter.

The remaining Councilmen may appoint a qualified person to fill a vacancy in the Office of Councilman until the next regular city election. If the vacancy is not so filled within forty-five (45) days, the Mayor shall appoint a qualified person to fill the vacancy within fifteen (15) days. At the next regular city election, vacancies shall be filled in the following manner: four-year terms shall accrue to the person or persons receiving the highest number of votes and two-year terms shall accrue to the person or persons receiving a lesser number of votes in order to continue the pattern of staggered terms.

Section 9. Removal of Mayor or Councilmen. Any city Councilman or the holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be in accordance with TCA, § 8-47-101, et seq. and any amendments thereto and the laws of this state.

Section 10. Ordinance Procedure-Emergency Ordinances. Every ordinance shall be read on two (2) different days, at least one (1) of which shall be a regularly scheduled Council meeting date, in open session before its adoption, and not less than one (1) week shall elapse between first and second readings. Any ordinance not so read shall be null and void. The City Council may read the caption of an ordinance at the first reading and shall read the ordinance in its entirety on the second reading. Copies of such ordinances shall be available during regular business hours in the office of the City Clerk and during the session in which the ordinance has its second reading.

An ordinance shall not take effect until fifteen (15) days after the first passage thereof,

except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its passage, provided it contains the statement that an emergency exists and it specifies with distinctness the facts and reasons constituting such an emergency.

The unanimous vote of all members of the Council present shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

ARTICLE V

CITY ADMINISTRATOR

Section 1. Appointment, Salary, Removal. The City Council may appoint and fix the salary of the City Administrator, who shall serve at the will of the City Council. The Administrator shall be appointed by virtue of his experience and educational qualifications for the position. Minimum qualifications shall include a college degree or training and experience in municipal management or public administration. The Administrator shall give full time to the duties of his office. No member of the City Council shall be eligible for appointment as the City Administrator until one (1) year has elapsed after such council member shall have ceased to be a member of the City Council.

Section 2. Vacancy or Absence in Office of Administrator. During periods of vacancy in the office, temporary absences or disability of the Administrator, the City Council may appoint an acting Administrator, or may designate a qualified administrative officer of the city to assume the duties and authority of the Administrator.

Section 3. Bond. The City Administrator or acting City Administrator shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the City Council, and shall be conditioned upon the faithful performance of the duties imposed

upon the City Administrator or acting City Administrator as herein prescribed. Any premium for such bond shall be a proper charge against the City of LaFollette.

Section 4. Duties of Administrator. It shall be the duty of the Administrator to supervise and coordinate all administrative activities of the affairs of the city under the City Council.

(1) To make recommendations to the City Council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.

(2) To keep the City Council fully advised as to the conditions and needs of the city, including an inventory of property and equipment, and to recommend what repairs or replacements are needed.

(3) To recommend what programs or projects involving public works or public improvements should be undertaken by the city and priority of same.

(4) To recommend to the City Council the employment, dismissal, promotion, or demotion of any employee, and to keep personnel files on all employees.

(5) To act as purchasing agent subject to the policies, rules, and regulations established by the City Council.

(6) To review, approve, and recommend to the City Council a budget for each department of the city coming under the supervision of the City Council.

(7) To act as liaison officer for the City Council in coordinating the activities under the Council with the activities of the city under separate boards and commissions.

(8) To serve as coordinator for all federal and state programs which may be available to the city.

(9) To perform such other duties as may be required of him by resolution of the City Council.

Section 5. City Council-Administrator Relations. The City Council and its members shall deal with the administrative services of the city only through the City Administrator, except for

the purpose of inquiry, and neither the City Council nor any member thereof shall give orders or instructions to any subordinates of the City Administrator. The City Administrator shall take his orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council, and no individual Councilman shall give any orders or instructions to the City Administrator.

Section 6. Departmental Cooperation. It shall be the duty of all subordinate officers, the City Recorder, and the City Attorney to assist the City Administrator in administering the affairs of the city efficiently, economically, and harmoniously.

Section 7. Attendance at Council Meetings. The City Administrator may attend any and all meetings of the planning commission, recreation and park commission, and any other commissions, boards, or committees created by the City Council upon his own volition or upon direction of the City Council. At such meetings which the City Administrator attends, he shall be heard by such commissions, boards, or committees as to all matters upon which he wishes to address the members thereof, and he shall inform such members as to the status of any matter being considered by the City Council, and he shall fully cooperate with the members of all commissions, boards, or committees appointed by the City Council.

Section 8. Removal. The City Administrator shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held in the city at which election a member of the City Council is elected or when a new city Councilman is appointed; the purpose of this provision is to allow any newly elected or appointed member of the City Council or a recognized City Council to observe the actions and ability of the City Administrator in the performance of the powers and duties of his office. After the expiration of the ninety-day period aforementioned, the City Administrator may be removed only by a majority vote of the City Council as then constituted.

Section 9. Severance Pay. Upon the termination of employment of the City Administrator by reason of involuntary removal from service other than for willful misconduct in

office, the City Administrator shall receive cash severance pay in a lump sum equal to one (1) month's pay for up to two (2) years of continuous service and two (2) months' pay for continuous service in excess of two (2) years' service and over.

ARTICLE VI

OTHER CITY OFFICERS

Section 1. Appointment of Officers. The City Council shall elect by majority vote the following officers: City Clerk, City Attorney, City Judge, Treasurer, Chief of Police, Public Works Director, Street and Sanitation Operations Manager, Codes Enforcement Officer, Recreation Director, Animal Control Officer, and Fire Chief. Such officers shall serve at the pleasure of the City Council.

All officers shall be elected with due regard to their qualifications and fitness and for the good of the public service, and without reference to race, age, color, creed, sex, or political party affiliation.

It shall be unlawful for any candidate for office or any candidate for appointed office to give or promise any person, either directly or indirectly, any office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person.

Section 2. City Attorney. The City Attorney shall be appointed by the City Council and shall be an attorney-at-law licensed and entitled to practice in the courts of this state. The City Attorney shall direct management of all litigation in which the city is a party, including the function of prosecuting attorney in the City Court; represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested; attend all meetings of the City Council, as requested; advise the City Council and committees and members thereof the City Administrator and heads of all departments as to legal questions affecting the city; and approve as to form, all documents, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of the city. Com-

pensation for the City Attorney shall be fixed by the City Council, and he shall serve at the will of the City Council.

Section 3. Oath of Office. Before a person takes any office in the city government, he shall subscribe to the following oath or affirmation, administered by the City Clerk or any judge:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the charter and ordinances of the City of LaFollette, and that I will faithfully discharge the duties of the office of _____."

Section 4. Official Bonds. Every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the City Council, shall give a fidelity bond or faithful bond, as determined by the Council, with the company authorized to do business in this state as surety, in such amount prescribed by the Council. All such bonds thereto shall be subject to approval by the Council. The cost of such bonds shall be paid by the city. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

ARTICLE VII

ADMINISTRATION AND FINANCE

Section 1. Administrative Organization. The City Council shall determine the powers and duties to be performed by each department, shall prescribe the powers and duties of all officers and employees, and may require an officer or employee to perform duties in any number of departments. The administrative organization, under the supervision of the City Administrator, shall be organized into the following departments:

- (1) Department of Finance;
- (2) Department of Public Safety;
- (3) Department of Public Works; and

(4) Department of Recreation.

The City Council shall have the power to change the departmental organization by ordinance upon recommendation from the City Administrator.

Section 2. Fiscal Year. The fiscal year of the city government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year, unless otherwise provided by ordinance.

Section 3. City Administrator to Submit Annual Budget. Not later than forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Council a proposed budget for the next fiscal year, showing separately for the general fund, and each other fund the following: (a) revenue and expenditures during the preceding year, (b) estimated revenue and expenditures for the current fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue, (d) a comparative statement of the cash surplus (or deficit) at the end of the preceding year and the estimated surplus (or deficit) at the end of the current fiscal year, and (e) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the City Administrator or requested by the Council. The City Administrator may recommend and estimate receipts from additional revenue measures, provided such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the City Administrator containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. A sufficient number of copies of the Administrator's message shall be reproduced to furnish a copy to any person desiring one. A copy of the budget in full shall be filed with the City Clerk for public inspection, and a copy shall be furnished to each Councilman.

Section 4. Capital Improvement Budget. A capital improvement budget shall also be

prepared to include a description of projects recommended for the ensuing fiscal year and the five (5) fiscal years thereafter, the estimated cost of each project, and the recommendations of the Administrator for financing the projects proposed for the ensuing year. The capital improvement budget shall be prepared by or reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the Administrator to the Council concurrently with the annual budget. The Council may accept, reject, or revise the capital improvement budget as it deems necessary.

Section 5. Public Hearing. After considering the Administrator's proposed budget, the Council shall fix a time and place for a public hearing thereon, and shall cause to be published in a local newspaper of general circulation, a notice of public hearing, a budget summary tentatively approved by the Council, and a notice of when and where the entire budget may be inspected. Publication must be at least ten (10) days in advance of the date of the hearing. The public hearing shall be held before the Council at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

Section 6. Action by Council on Budget. After the public hearing and before the beginning of the ensuing fiscal year, the Council shall adopt an appropriation ordinance based on the Administrator's proposed budget with such modifications as the Council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The Council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property, or lives of the inhabitants of the city declared by a vote of all members of the Council. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year may be continued by resolution for the new fiscal year until such time as the new appropriations ordinance is adopted. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year. Appropriations, except emergency appropriations as provided above, may be increased during

the year only after the City Administrator certifies in writing that a sufficient amount of revenue will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be subject to appropriation for the following year. At the end of each month, the City Administrator shall submit to the Council a budget report showing revenue receipts and expenditures for that month and for the fiscal year to the end of that month.

Section 7. Control of Expenditures. The City Administrator shall be responsible for controlling expenditures of the various agencies of the city government to accomplish maximum efficiency and economy. No expenditure shall be made in excess of appropriations.

Section 8. Purchasing. Purchasing shall be accomplished in accordance with a comprehensive purchasing and property disposal ordinance duly enacted by the City Council in accordance with state law.

Section 9. Annual Audit. Within thirty (30) days after the beginning of each fiscal year, the Council shall employ either an independent certified public accountant or the State Comptroller's Office to make an audit of all financial records of the city for that year. The auditor shall perform adequate sampling to determine the validity of the records. Each audit shall include determination of legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles. The audit shall be completed and a report, including a summary, shall be submitted to the Council as soon as practical after the end of the fiscal year. A financial report shall be published annually in accordance with state law.

Section 10. Property Taxes. All property subject to taxation shall be subject to the property tax levied by the city. The Council will use county assessments except property assessed by the Tennessee Regulatory Authority.

Section 11. Tax Levy. The Council shall make a tax levy, expressed as a fixed rate per

one hundred dollars (\$100) of assessed valuation, coincidental with the adoption of the appropriation ordinance. In event of the Council's failure to do so, the prior year's tax rate shall continue in effect.

Section 12. Tax Due Dates and Tax Bills. The due dates of property taxes shall be October 1 each year, and provision may be made for equal semiannual installments. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest thereon. Property taxes shall become delinquent on March 1, at which time a penalty shall be added for each month thereafter and interest for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record. The penalty and interest referenced herein shall be in accordance with state law.

Section 13. Delinquent Taxes. The Council may provide by ordinance for the collection of delinquent real property taxes by the City Clerk as provided by state law, by the City Attorney acting in accordance with state law providing for the collection of delinquent city or county taxes, by garnishment, by distraint, by suits in chancery, or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies. If not otherwise collected, the City Attorney, or other attorney designated by the Council, shall file suit for collection of all delinquent taxes in accordance with state law. Delinquent personal property taxes shall be collected by distress warrants issued by the City Clerk and placed in the hands of the Sheriff for collection or collected in any lawful manner as prescribed by state law.

Section 14. Taxes Not to be Excused. No officer or employee of the city shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the city, but errors may be corrected when authorized by the Council.

Section 15. Disbursements by Checks. All disbursements, except for any agency of the

city administered by a board or commission, shall be made by checks signed by the Mayor (or Vice-Mayor) and countersigned by the Treasurer. The Council may, by resolution, designate other officers to sign such checks in the absence or disability of the Mayor or Treasurer.

Section 16. Official Depository. The Council shall designate an official depository or depositories for deposit and safekeeping of funds of the city, with such collateral security as may be deemed necessary by the Council.

Section 17. Accounting. The financial records of the city shall be established and maintained in general conformity with the accounts and procedures required by state law and recommended by the Municipal Finance Officers Association or other nationally recognized authority on municipal accounting.

Section 18. Tax Anticipation Borrowing. The Council may borrow money in anticipation of taxes, for payment of current and necessary expenses, which shall be repaid in the same fiscal year, in conformance with rules established by the state.

Section 19. Audits Required of All Independent Boards and Commissions. All boards and commissions created by the Mayor or City Council of the City of LaFollette or utilizing funds appropriated by the Council, shall annually submit to the Council an audit performed annually by an independent certified public accountant or by the State Comptroller's Office in a format satisfactory to both the Mayor and City Council. The City Council shall designate the dates on which such audits must be submitted.

ARTICLE VIII

CITY COURT

Section 1. Appointment, Oath, Compensation, and Restrictions on Office of City Judge. A City Judge who shall constitute the City Court shall be appointed by the City Council to serve at the will of the City Council or for a term to be fixed by ordinance. He shall take the same oath required of the City Council. He shall receive such compensation as may be provided by ordinance. The City Judge shall be appointed by the City Council and shall be an attorney-at-

law licensed and entitled to practice in the courts of this state.

Section 2. Absence or Disability of City Judge. The City Council shall designate a qualified person to serve in the absence or disability of the City Judge.

Section 3. Term of Office of City Judge. The City Judge shall serve at the pleasure of the City Council, and the City Council shall provide the conditions which will create a vacancy in the office, how the vacancy shall be filled, and such other matters as the Council deems necessary.

Section 4. Duties and Powers of City Judge. The City Judge shall try all persons charged with violation of the ordinances of the city. He shall have the power to levy fines, penalties, and forfeitures not exceeding fifty dollars (\$50.00) for each offense and to impose such costs as the City Council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt by fine.

Section 5. Imposition of Bail, Fines, Costs, and Sentences. The bail of persons arrested and awaiting trial, and persons appealing the decision of the City Judge shall be fixed by the City Judge, and upon such security as, in his direction, he deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the City Judge as provided by ordinance, but no officer shall accept cash bail unless the person arrested shall be given a receipt which shall explain the nature of the deposit. The receipt shall be in duplicate, and a copy with the money deposited shall be filed with the City Judge. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines or to furnish security, the City Judge may commit the offender to the jail or workhouse until such fines have been paid.

Section 6. Maintenance of Docket and Other Court Rules. The City Judge shall keep a docket. The City Council may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary.

Section 7. City Judge to be Exclusive Judge of Law and Facts. The City Judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

Section 8. Appeals. Appeals shall be in accordance with current state law governing same.

ARTICLE IX

BOARD OF PUBLIC UTILITIES

Section 1. Continuation of Board. The existing Board of Public Utilities is hereby continued in existence in its present form and in its present composition. Such Board of Public Utilities shall have responsibility for operation of the waterworks, sewerage works, and electric system under the provisions of state law.

Section 2. Membership of Board. The Board of Public Utilities shall consist of five (5) members appointed by the City Council at the June meeting of the City Council. One (1) appointment shall be made annually for a regular term of five (5) years, in accordance with present policy. A retiring member may succeed himself if the City Council appoints such member for a second term. No person may serve more than two (2) terms during his lifetime. Any vacancy in the membership of the Board which occurs through any cause other than expiration of term of office of any member shall be filled by the City Council at regular session, and the appointment shall be for the purpose of serving the unexpired term. Members may not resign for the purpose of being appointed to a longer term on the same body.

Section 3. Qualifications of Members. Appointees to the Board of Public Utilities shall consist of members who meet the qualifications as set forth in the Municipal Electrical Plant Law, TCA § 7-52-101, et seq. Appointees may not serve on any other board or commission for the City of LaFollette. No person may become a member of the Board of Public Utilities who holds any public office, whether federal, state, county, or city government, except that of a notary public. No person shall be eligible for membership on the Board who is directly or

indirectly interested in any firm, business, partnership, or corporation which has any business dealings with the Board of Public Utilities.

Section 4. Bonds, Chairman, Secretary-Treasurer. The Board of Public Utilities shall qualify by giving bond and taking oath of office in the manner required for members of the City Council of the City of LaFollette. Members of the Board shall elect a Chairman and Secretary-Treasurer. The Secretary-Treasurer may, but need not be, a member of the Board.

Compensation of members of the Board, Chairman, or Secretary-Treasurer may not exceed the amounts provided by the aforementioned state statute, as may be amended. In addition to compensation provided by law, the members of the Board may be paid actual and necessary expenses incurred in the conduct of the business of the Board.

Section 5. Powers Conferred on Board. All powers, duties, and responsibilities conferred and granted by state law shall be conferred on the Board of Public Utilities of the City of LaFollette. Procedural matters, including removal of members not covered in this charter, will be followed as outlined by state law.

Section 6. The books of the Board of Public Utilities shall be audited annually by a certified public accountant selected by the Board. A copy of the audit shall be submitted annually to the City Council.

ARTICLE X

MISCELLANEOUS

Section 1. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

Section 2. Gender. Wherever, in this Charter, "man, men, him, his" or their related pronouns may appear, either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense (i.e., to include all humankind, both female and

male sexes).

Section 3. The corporate existence of the City of LaFollette is continued. All existing ordinances, resolutions, or other actions of the Mayor or City Council not inconsistent with this act shall remain in full force and effect until amended or repealed in the manner herein provided.

Section 4. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

Section 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of LaFollette within forty-five (45) days of its signing by the governor of this state. Its approval or non-approval shall be proclaimed by the presiding officer of the City of LaFollette and certified to the secretary of state.

Section 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.